IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

WP(C).No. 28411 of 2006(G)

PETITIONER:

ABRAHAM THOMAS,
PANAKKAL HOUSE, PANDANKARI P.G.,
EDATHUA VILLAGE, KUTTANAD TALUK,
ALAPPUZHA DISTRICT.

BY ADV. SRI.R.SANTHOSH BABU

RESPONDENTS:

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1. THE DISTRICT COLLECTOR, ALAPPUZHA.

2. DEPUTY TAHSILDAR (R.R.)
KUTTANADU TALUK, ALAPPUZHA.

3. THE VILLAGE OFFICER, EDATHUA.

4. THE SECRETARY, EDATHUA GRAMA PANCHAYAT
EDATHUA, ALAPPUZHA.

R1 TO 3 BY G.P. SRI.C.K.GOVINDAN
R4 BY ADV. SRI.P.VINODKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF REPRESENTATION DT.7.6.06 FILED BY PETITIONER BEFORE R4.

P2: TRUE COPY OF NOTICE DT.9.10.06 ISSUED BY R2.

P2a: .DO. .DO.

P3: TRUE COPY OF REPRESENTATION DT.10.10.06 FILED BY PETITIONER BEFORE R2.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.28411 of 2006

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Dated this the 9th day of July, 2007.

JUDGMENT

The petitioner was entrusted work for maintenance of a road. In return, petitioner was given food grains and other materials, details of which are furnished in the counter statement. Admittedly, petitioner has not carried out any work and therefore, value of the items supplied is sought to be recovered. It is seen that work should have been completed by 31.3.2006. Explanation submitted by the petitioner is that the area was covered by water. However, the claim of the petitioner is absurd because monsoon started only in June, while the last date for completion of work was 31.3.2006. Since petitioner admittedly has not carried out the work, the materials supplied by the 4th respondent would have been obviously sold and funds misappropriated by the petitioner. In the circumstances, I find no ground to interfere with recovery proceedings for recovery of value of goods supplied by the Panchayat. The W.P. is therefore devoid of any merit and is dismissed.

C.N.RAMACHANDRAN NAIR
Judge

pms